

Notice of Allowability

Application No.

09/653,382

Examiner

Donald L. Storm

Applicant(s)

PECHTER ET AL.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT AND RESPONSE filed November 19, 2004.
2. ☒ The allowed claim(s) is/are 1-7,9,11,12 and 14-20.
3. ☒ The drawings filed on 01 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel C. Crilly, Attorney for Applicant, on December 6, 2004. The Examiner called Mr. Crilly at the telephone number that appears in the declaration signed by the Applicant(s). (See MPEP § 408.)

The application has been amended as follows:

IN THE CLAIMS:

Replace the entire claim 17 with the following claim:

Claim 17. The method of claim 16, further comprising:

in the event that the first word is not on the list of pre-recorded words and prior to dividing the first word into a plurality of diphones, determining whether the first word includes at least one number, and,

in the event that the first word includes at least one number, audibly spelling the first word out instead of dividing the first word into a plurality of diphones, combining sound files, and playing the combined sound files.

Allowable Subject Matter

2. Claims 1-3, 4-6, 7, 9, 11-12, and 14-20 are allowed. The claims have been renumbered for printing to be claims 1-3, 5-7, 4, 8, 9-10, and 11-17.

Response to Arguments

3. The prior Office action, mailed October 12, 2004, objects to the specification and claims, and rejects claims under *35 USC § 112, first paragraph*, and *§ 103*. The Applicant's arguments and changes in AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 filed November 10, 2004 have been fully considered with the following results.
4. With respect to objection to the specification as lacking proper antecedence for claimed matter, the changes entered by amendment claim subject matter that can be identified in the specification. Accordingly, the objection is removed.
5. With respect to objection to those claims needing clarification, the changes entered by amendment provide clear descriptions of the claimed subject matter. Accordingly, the objections are removed.
6. With respect to objection to the claims dependent upon rejected base claims, the base claims have been allowed. Accordingly, the objections are removed.

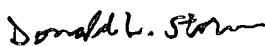
7. With respect to rejection of claims under 35 USC § 112 as lacking description in the disclosure as filed, the changes entered by amendment claim subject matter that can be identified in the specification as filed. Accordingly, the rejections are removed.

8. With respect to rejection of claims under 35 USC § 103, the changes entered by amendment include subject matter previously indicated as allowable in the independent claims. Accordingly, the rejections are removed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (703) 305-3941. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.


Donald L. Storm
December 6, 2004


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER